GOVERNMENT OF INDIA
LAW AND JUSTICE
LOK SABHA

UNSTARRED QUESTION NO:5130
ANSWERED ON:05.04.2017
Recommendation of Law Commission
Panda Shri Baijayant "Jay"

Will the Minister of LAW AND JUSTICE be pleased to state:

(a) whether the Government has taken any measures aimed at implementing the recommendations of the Law Commission to set up new courts in the country;
(b) if so, the details thereof;
(c) if not, the reasons therefor;
(d) whether the Government is taking any steps to increase the judge to population ratio in India;
(e) if so, the details thereof ; and
(f) if not, the reasons therefor?

Answer

ANSWER

MINISTER OF STATE FOR LAW AND JUSTICE AND ELECTRONICS AND INFORMATION TECHNOLOGY
(SHRI P. P. CHAUDHARY)

(a) to (f) : The matter relating to the appointment of Judges / Judicial Officers in District and Subordinate Courts falls within the domain of State Governments and the High Courts. However, in the case of Imtiyaz Ahmed versus State of Uttar Pradesh and others, the Supreme Court had asked the Law Commission of India to evolve a method for scientific assessment of the number of additional courts to clear the backlog of cases. In 245th report (2014), the Law Commission has observed that filing of cases per capita varies substantially across geographic units as filings are associated with economic and social conditions of the population. As such the Law Commission did not consider the judge population ratio to be a scientific criterion for determining the adequacy of the judge strength in the country. The Law Commission found that in the absence of complete and scientific approach to data collection across various High Courts in the country, the "Rate of Disposal" method to calculate the number of additional judges required to clear the backlog of cases as well as to ensure that new backlog is not created, is more pragmatic and useful. In May, 2014, the Supreme Court asked the State Governments and the High Courts to file their response to the recommendations made by the Law Commission. In August 2014, the Supreme Court asked the National Court Management System Committee (NCMS) to examine the recommendations made by the Law Commission and to furnish their recommendations in this regard. NCMS submitted its report to the Supreme Court in March, 2016. It has, inter-alia, observed that in the long term, the judge strength of the subordinate courts will have to be assessed by a scientific method to determine the total number of "Judicial Hours" required for disposing of the case load of each court. In the interim, the Committee has proposed a "weighted" disposal approach − disposal weighted by the nature and complexity of cases in local conditions. The matter is sub-judice before the Supreme Court, at present. As per the direction of the Hon'ble Supreme Court in its Order dated 02.01.2017, the Department of Justice has forwarded a copy of interim report of the NCMS Committee to all State Governments and High Courts to enable them to take follow up action to determine the required Strength of Judges in district judiciary based on the NCMS report.